



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PELHAM EDUCATION ASSOCIATION, :
 NEA-NEW HAMPSHIRE :
 :
 Complainant :
 :
 v. :
 :
 PELHAM SCHOOL BOARD AND HENRY :
 LaBRANCHE IN HIS CAPACITY AS :
 SUPERINTENDENT :
 :
 Respondents :
 :
 :

CASE NO. T-0280:8

DECISION NO. 88-07

APPEARANCES

Representing Pelham Education Association:

Marc Benson, UniServ Director, NEA-NH

Representing Pelham School Board:

Robert P. Leslie, Esq., Counsel
Henry LaBranche, Supt.

Also in Attendance:

Raymond Gamache, Comm., Dir., N.H. College
Frank Walsh, Pelham H.S. Teacher
Hugh Watson, Supt., Hanover

BACKGROUND

Prohibitive practice charges were filed by the Pelham Education Association (PEA) alleging violations of RSA 273-A:5, I (a) and (g) by the Pelham School Board and Supt. LaBranche (Board) for denying unit member, Frank Walsh, representation by PEA on all matters pertaining to his contract status for 1987-88.

Counsel for the Board denied that PEA had standing to file the complaint with PELRB and any violation of 273-A but admitted the Board's refusal to deal with PEA regarding Mr. Walsh's contract status.

A hearing was held in the PELRB office on November 24, 1987 with all parties represented.

FINDINGS OF FACT

1. High School teacher, Frank Walsh is and has been an employee of the Pelham School Board for the past six years and a member of the certified bargaining unit.
2. Mr. Walsh did, by letter dated June 3, 1987 request clarification from Supt. LaBranche of his contract status for 1987-88.
3. Upon advice of his physician, because of illness and absence from duties for 2 1/2 months, Mr. Walsh requested representation from PEA in matters dealing with his contract status.
4. On June 8, 1987 Mr. Walsh was advised by the Supt. that he (Supt.) did not intend to discuss Mr. Walsh's contract status with the exclusive representative (Association).
5. On May 27, 1987 formal grievance was filed on Mr. Walsh's behalf by then President of PEA, Raymond Gamache regarding his continuing contract and payment of wages. Said grievance was later dropped as Mr. Walsh's pay-checks were received.
6. Mr. Walsh did on July 23, 1987 receive his employment contract for the 1987-88 school year.
7. Mr. Walsh's June 3, 1987 letter did not infer that the Supt. could not talk to him but because of circumstances, his physical condition, appointed the Association as his representative.
8. Testimony revealed that the Association had on previous occasions spoken to principals on various unit members concerns, such as planning times, duties and other issues of the contract etc. without the filing of grievances and corresponded with the Supt. in terms of asking for information regarding contracts, negotiations and such and never told the members did not have a right to representation from the Association in such matters.
9. Association's requests for Findings 1 thru 12 granted.

DECISION AND ORDER

After review of the evidence presented, PELRB finds the Pelham School Board and Supt. LaBranche guilty of a violation of 273-A:5, I, (a) & (g) & 273-A:11 I, by refusing to discuss the contract status with the exclusive representative as requested by unit member Walsh.

The Pelham School Board and Supt. LaBranche are hereby ordered to cease and desist any further violation of RSA 273-A.



 JOHN M. BUCKLEY, Chairman

Signed this 26th day of February, 1988.

By unanimous vote. Alternate Chairman John M. Buckley presiding. Members Richard W. Roulx, Daniel Toomey and Seymour Osman present and voting. Also present, Evelyn C. LeBrun, Executive Director.



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DECISION AND ORDER

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